

1878.
NEW ZEALAND.

WAIROA PUBLIC POUND.

Return to an Order of the House of Representatives, No. 13, of 7th August, 1878.

"That there be laid upon the Table copies of any Reports from the Resident Magistrate at Wairoa, Hawke's Bay, having reference to the refusal of certain Natives at Mahia to allow a Resident Magistrate's Court to hear and determine a charge of breaking a Public Pound, and any instructions issued to the Resident Magistrate thereon."

No. 1.

Mr. F. F. ORMOND to Mr. S. LOCKE.

(Telegram.)

Wairoa, Napier, 17th June, 1878.

Re Mahia pound: Full account sent to Government. Will send you report by mail. Natives most determined not to attend Court.

S. Locke, Esq., Napier.

FRED. F. ORMOND, R.M.

No. 2.

KOMENE TE ITO to Mr. S. LOCKE.

Mahia, 7th June, 1878.

FRIEND,—Greeting: This information I send you that you should know of the great troubles of Mahia. The reason of these troubles is the pound, and horses that were driven there. When the persons the owners of the horses knew that the horses were impounded, they then went and broke down the pound, not leaving the matter to be settled by the law regarding the impounding of the horses, but took a Maori view of the matter; therefore the poundkeeper took proceedings against them, and left it for the law to settle the matter of the breaking the pound open. The summons was duly served, and the day arrived, but they did not appear to see what the law did say in the matter. They then set to devising other means, according to Maori custom, after the manner of the Hauhaus, to evade the law at the present time. When we heard of these works of these people, we went to those people; those of us who went there were Toha, Hamana, and Komene Te Ito. When the people heard of our coming they then got ready a place of fire for us to sit down upon, and welcomed our arrival. We then sat down, not knowing that we were sitting down on the fire. When we began to feel the heat we moved down to that part where there was less heat. Then they began to see that they had done wrong. We did not fix a day to punish them, as we went to uphold the law; that is the idea which came across us when we were treated by them in the manner they treated us. Suffice it, it is true these people have gone back to the ways of the Hauhaus; they would not listen to anything that we suggested according to the law. That you may know the names of the chiefs who acquiesced in these doings, they were Ihaka, Raiwheke, and others, and the whole of their tribe. Suffice it, I have sent the word to you relative to this work here.

S. Locke, Esq., Napier.

From

KOMENE TE ITO.

No. 3.

Mr. F. F. ORMOND to the Hon. the NATIVE MINISTER.

Wairoa, Hawke's Bay, 8th June, 1878.

SIR,—

I have the honor to inform you that I proceeded to Mahia on the 2nd June, intending to hold the Resident Magistrate's Court there on the 3rd, as duly advertised. One case of releasing a horse from the Mahia pound was, I had heard, causing some excitement; and I was also led to understand that a professional gentleman would attend on behalf of the Natives, to dispute the validity of the impounding. In order to meet the case fully, Mr. Burton, Justice of the Peace and Chairman of the Wairoa County Council, accompanied me, to explain matters, the pound itself having been established by act of the County Council. Major Goring, Armed Constabulary Force, was also present as a Justice of the Peace, and Toha and Hamana as Native Assessors. On the 3rd, at 11 a.m., this case was called; and we were then informed that the Committee refused to have the case heard. In the evening Toha and Hamana visited the pa. I enclose their statement of what took place.

On the afternoon of the 4th, thinking it possible that Toha and Hamana might not have used sufficient persuasion, I sent the district constable with the usual warrant (to answer to a charge), when, after some talk, the Committee said that they would not allow the warrant to be acted on, but that if I invited them they would all appear the next morning. On the 5th, at 11 a.m., I learned that only Ihaka Makahue and his Committeemen were present; and I refused to hear the case until the accused was produced. Towards evening Ihaka told me that he himself was sorry that the case was not heard, but that, as matters had gone so far, they would see it out. I am of opinion that Ihaka and his brother—who are both noted as very excitable, and on one or two occasions even considered as madmen—were, during their late visit to Poverty Bay, excited by the conversation they heard and the advice they there received.

These Mahia people, until this occasion, I have always found to be most obedient and submissive to the law. They are now, on the contrary, averse to the action of law, and also are impressed with the belief that they have been unjustly deprived of their lands, and that in due course these will be restored to them, and the present European possessors driven off.

I would beg to advise that some gentleman enjoying the confidence of the Government, and as such able to reason with authority, be sent to them to explain their real position; and I feel assured that then these simple people will very soon return to their old state of obedience and order.

I have, &c.,

The Hon. the Native Minister, Wellington.

FREDK. F. ORMOND, R.M.

Enclosure to No. 3.

TOHA RAHU RAHU and Hamana Tiakiwai, two Assessors, proceeded to the Pahou, where the Committee had entrenched themselves, to induce them to submit to the ruling of the law and answer to the summonses by appearing before the Resident Magistrate's Court sitting at the Mahia. Toha's account of what took place is as follows:—

Toha: We arrived after half-an-hour's ride; the Committee and their adherents, about thirty altogether, were in a long whare or meetinghouse waiting for us, having already been informed of our movements. As we got off our horses the Committee-policeman came forward and conducted us to a seat, which was a large mat placed over a Maori oven, with the embers still red-hot. I knew then that the intentions of Ihaka Makahue and his people were not favourable towards us—that it was a hint as to how we would be served in the event of our persisting in carrying out the law; in fact, such an insult as they practised on us, a very short time back, would have involved the whole district in war. We sat there for a time, when Ihaka Makahue (chief and leader) stood up and commenced. The substance of which is this: "Welcome, my friends Toha and Hamana. I know well you have come on an unfavourable mission. Had you come to have seen me on this matter direct from the Wairoa, I should have given you a better reception than this; but, knowing you are my enemies, that you are in league with the Resident Magistrate to overthrow me, I can do nought less than insult you as I have done. Thus I trample on you and your law. I will not let these people who are summonsed appear before the Court, and if a warrant comes for their apprehension the person who comes will be tomahawked. I am desperate now, and blood will have to be shed ere I give in. I know I am in the right, and that will support me. I cannot do more than I have done—that is, I have sent a letter to the Court to let me (the Committee) settle this difficulty. On the land I have issued notices warning the police to beware lest they meddle with us. It is not necessary to say any more; you know exactly what my feelings are. Enough; return as you came."

Toha: After a few minutes I addressed Ihaka—"Friend Ihaka, I exchange greetings with you. I also acknowledge the warm reception I have received at your hands. Doubtless you are aware what the penalty of such boldness should be according to our Maori rules. The present day is a time of peace and law; all our battles and difficulties we must fight out within the pale of the law. The law decides between right and wrong. If you have suffered an injustice you have your remedy at the hands of the law. We have not come to use force, we have come to use persuasion, to impress on your minds the utter foolishness of your present action. I know that you have been advised by the legal fraternity; you have been to Gisborne to seek counsel, and now you throw yourselves on the Committee. Any way, let me ask you a question: 'Is this your own doing, your own thought, or have you been advised by any one. If any person has advised you to practise contempt of Court, let me know who he is.'"

Ihaka Makahue: The person who advised us to act as we have done is Mr. Rees, our lawyer. He has told us that the whole thing is illegal: that the land was Maori land; notwithstanding the purchase by the Government, it was coming back to us again, for the land had never passed the Native Land Court, neither has it been surveyed. We shall see whether our Committee is not as strong as your Court.

Tohu Rahu Rahu: Now I am amply satisfied with my visit here, as I have gleaned from you the origin of this trouble. I will keep your words in my mind, because I hardly think Mr. Rees can be your equal in foolishness. However, as you say he advised you, I will stick to that; another time, probably, will give the correct solution. I have nothing more to say; you will not go before the Court, and I cannot persuade you.

JAMES CARROLL,
Licensed Interpreter.

True copy.—Henry H. Carr, Clerk to the Bench, Wairoa, Hawke's Bay.